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## FOREST LAKES FILINGS 5, 6 & 7: PUD DEVELOPMENT/PRELIMINARY PLAN MAJOR AMENDMENT

### LETTER OF INTENT

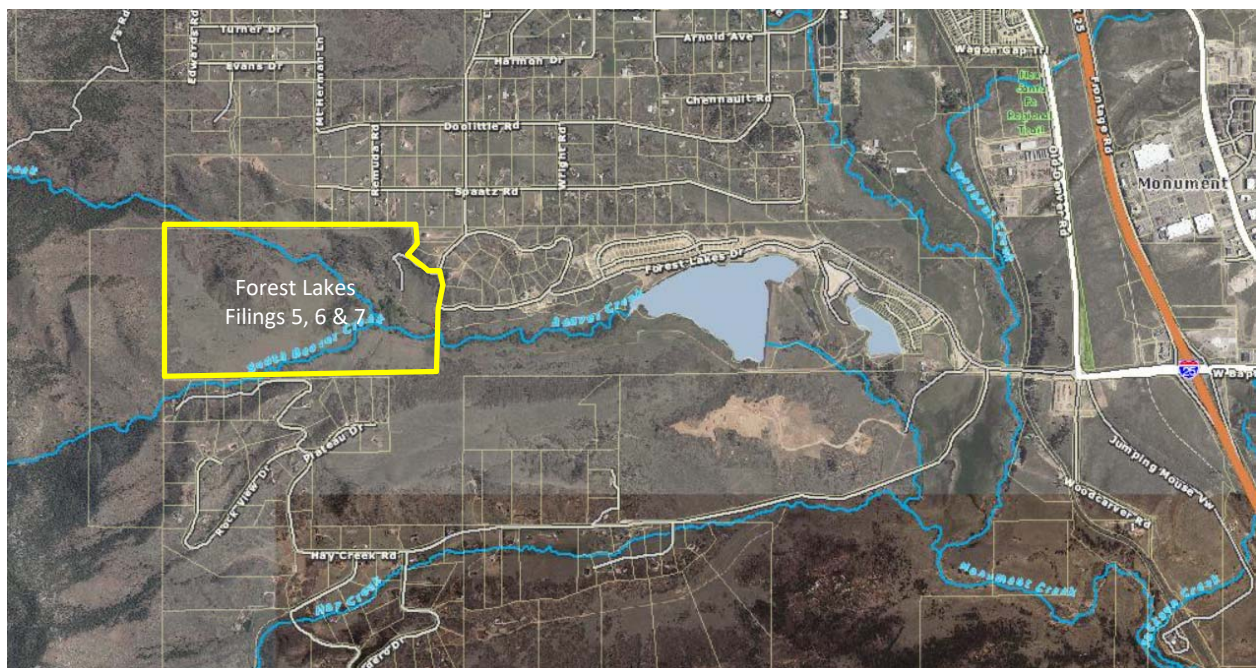
DECEMBER 2018, REVISED MARCH 2019

OWNER:	DEVELOPER/APPLICANT:	CONSULTANT:
Forest Lakes Residential Development #2 LLC 111 Main Street, Suite 1600 Kansas City, MO 64105	Classic Homes 6385 Corporate Drive Colorado Springs, CO 80919	N.E.S. Inc. 619 North Cascade Ave Colorado Springs, CO 80903

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### LOCATION

Forest Lakes is located northwest of the intersection of Interstate 25 and Baptist Road, to the southwest of the Town of Monument. The property comprises approximately 977 acres in total. The eastern 221 acres has already been platted as filings 1 – 4 and is substantially built-out. Two man-made lakes/reservoirs have been constructed to supply the development with water and to serve as a recreational amenity. This area also includes Waterfront Park along the north side of Bristlecone Lake, which serves as the community park for the entire development. This current submittal relates to the 287-acre western portion of the property. Beaver Creek flows west to east through the southern half of the property, then splits into North Beaver Creek and South Beaver Creek. The area adjacent to the southern branch of the creek is Preble's Meadow Jumping Mouse critical habitat, which will remain as undisturbed open space.



**REQUEST**

Forest Lakes Residential Development LLC requests approval of the following:

- a. A Major Amendment to the Forest Lakes PUD Development Plan/Preliminary Plan for Filings 5, 6 & 7, comprising 180 single-family lots, 5 tracts and public roads on 287 acres, at a gross density of 0.63 dwelling units per acre and a maximum height of 30 feet, with PUD modifications (described below).
- b. A 260,000-gallon water tank for Forest Lakes Metropolitan District (diameter 40 ft; height 28.68 ft)

The initial submittal of this application in January 2018 proposed 231 single-family lots. Since that time, the applicant has held three neighborhood meetings, on February 22<sup>nd</sup>, April 26<sup>th</sup>, and November 15<sup>th</sup> 2018. The current resubmittal represents the culmination of a series of changes to the plans to address concerns from neighbors regarding density and lot size, and also to address the recommendations of a Debris Flow Analysis requested by Colorado Geologic Survey. This resulted in changes to the proposed lot layout, street configuration, grading and culvert design, which reduced the number of lots initially to 199 and ultimately to the 180 lots currently proposed.

The following PUD modifications are requested for Forest Lakes Filings 5, 6 & 7:

	<b>LDC/ECM Section</b>	<b>Category</b>	<b>Standard</b>	<b>Modification</b>	<b>Justification</b>
<b>1</b>	LDC Chapter 8.4.3(C)(4)(c)	<b>Flag lots</b>	Cul-de-sac required where 3 or more butting flag lots would occur	Lots 3, 4, 5 & 6 will be accessed off a single shared access, which is part of Lot 4 and will be subject to a shared access easement.	The proposed median divided section of road restricts lot accessibility and the proposed flag lot condition for the 4 lots will allow each lot to access the public street at an intersection. This will improve safety.
<b>2</b>	LDC Chapter 8.4.3(C)(2)(e)	<b>Lot area and dimensions</b>	Lots to have a minimum of 30 feet of frontage on and access from a public road	Lots 3, 5 & 6 will not have direct frontage on or access from a public road.	
<b>3</b>	LDC Chapter 8.4.3(B)(2) and ECM Section 2.5.2.C.4	<b>Mid-block crossings</b>	Access ramps on local roadways shall be spaced no greater than 600 feet apart.	Sections of Mesa Top Drive and Forest lakes Drive exceed 600 feet without a mid-block crossing.	Adequate pedestrian accessibility is provided by access ramps at intersections and at mid-block trail crossings.
<b>4</b>	ECM Section 2.3.8.A	<b>Roadway terminations – cul-de-sac length</b>	Cul-de-sacs shall have a maximum length of 750 feet for urban conditions.	Foothills Flash Court and Timber Trek Way cul-de-sacs exceed 750 feet	The cul-de-sacs provide for a more efficient layout and do not significantly exceed the standard length and both serve less than 25 lots. The Fire Dept. has reviewed and approved the site layout.
<b>5</b>	ECM Section 1.7.2 (APPENDIX I)	<b>Water Quality Capture Volume Requirements</b>	Direct all runoff through grass buffers and/or grass swales or provide a similar BMP	Allow for direct release across grass buffer (or equivalent) for back yards of proposed single-family subdivision lots.	All roof drains will be routed to front yard and the street eventually to a permanent downstream water quality facility. There is a 300'+ natural buffer between the back yards and the waters of the State of Colorado.

Chapter 4.2.6.F.2.h of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM). The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving two of the identified benefits in Chapter 4.2.6.F.2.h - preserving natural features and providing more accessible open space within the development. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are either addressed in the revised plans or relate to the construction phase. Additional justification for the proposed modifications to the ECM standards are appended to this Letter of Intent.

## **PROJECT DESCRIPTION**

### **Project History**

The Forest Lakes subdivision was part of the 1,367-acre High Meadows Sketch Plan that was approved in 1984, which included 466 residential units, four lakes, a school site, and commercial/industrial areas southeast of I-25 and Baptist Road. Two of the four lakes initially planned for the site were constructed along with some rough grading for roadways before the project fell into bankruptcy.

The listing of the Preble's Meadow Jumping Mouse as a threatened species in 1995 dramatically reduced the buildable areas and the ability to construct the two additional lakes as proposed in the original Sketch Plan. A Planned Unit Development Plan and Preliminary Plan were subsequently approved in 2002 for the 977-acre residential component of the original Sketch Plan. This proposed 467 homes in a clustered design that preserved the mouse habitat along Beaver Creek and other natural features of the site. The approved plan also included a ten-acre school site, 470 acres of parks and open spaces, which included the two existing lakes on the eastern portion of the property and Waterfront Park.

The existing development in the eastern portion of Forest Lakes includes Filings 1 – 4 totaling 272 lots on 222 acres. These have been platted as follows:

- Filing No. 1: 33 single family lots, 1 school site lot, public road right-of-way, and 6 tracts (including Waterfront Park) on 134.0 acres,
- Filing No. 2A: 73 single family lots, public road right-of-way, and 5 tracts on 17.1 acres
- Filing No. 2B: 45 single family lots, public road right-of-way, and 6 tracts on 31.1 acres
- Filing No. 3: 79 single family lots, public road right-of-way, 0 tracts on 39.9 acres
- Filing No. 4: 42 single family lots, public road right-of-way, and 4 tracts on 11.6 acres (a replat of Tract B of Filing No. 2B).

The focus of this PUD Development Plan/Preliminary Plan Amendment is on the changes proposed to western portion of Forest Lakes, which will be subdivided into future Forest Lakes Filings 5, 6 and 7.

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### **Site Layout**

This plan requests 180 single family lots on 287 acres in the western portion of the Forest Lakes with a gross density of 0.63 units per acre. This portion of the site is accessed by Forest Lakes Drive and Mesa Top Drive. The 2002 PUD Development Plan anticipated 467 lots within the overall Forest Lakes Residential boundary (all phases). This application requests to increase the total number of lots to 513 lots over three phases, a 9.8% increase. The chart below compares the changes to the phase areas:

	Lot Total 2002 Plan	Lot Total 2019 Plan	Difference
Phase 1 (Filings 1, 2A, 2B, 3 and 4)	275	272	-3
Phase 2 (Filings 5, 6 and 7)	131	180	49
Phase 3 (Future Filings)	61	61	0
Total	467	513	46

While the total number of lots has increased, the area of impact has decreased. By using generally smaller more efficient lots, the development uses a more compact pattern preserving more areas for open space. In the approved 2002 plan, 160 acres were preserved as open space, whereas in the current plan for 180 lots, 197 acres are preserved as open space (67% of site), an increase of 23%. The additional density does not change the street classifications of any of the roadways within Forest Lakes.

The Plan includes a County regional trail, connecting from the existing regional trail along Forest Lakes Drive and through Waterfront Park, to the western boundary of the property. This provides the opportunity for future connection to the National Forest to the west. A network of internal trails is also shown on the plan, which will be field located based on terrain.

### **Development Standards**

Three general lot sizes are planned for this area. Type A Lots will have a minimum of seventy (70) feet width at the front setback and a one hundred and twenty (120) foot depth, which will range in size from 8,400 to 17,433 square feet. The lots have a fifteen (15) foot front yard setback to the front of the home, with a minimum of twenty (20) feet to the face of the garage from the back of sidewalk. This allows for garages to be set back from the front of the home yet still provide adequate driveway length for parking. A ten (10) feet front setback is permitted for a side loaded garage, as in this configuration the home is setback the width of the garage and the driveway accommodates parking parallel to the front property line. Side yard setbacks are planned at five (5) feet, with a corner lot setback of ten (10) feet when directly abutting public right-of-way. The rear setback is set at twenty (20) feet. The maximum building height is thirty (30) feet. Type B Lots will range in size from 9,600 to 23,328 square feet, with an eighty (80) feet width at the front setback and a one hundred and twenty (120) foot depth. All other dimensions are the same as the Type A lot.

The Type C lots are the larger estate lots, of which there are seven in total, located along in the northern section of the site. These are generally irregular shaped lots, with the smallest being approximately 1.35 acres and the largest approximately 10 acres. These lots will have a minimum of one hundred and fifty (150) feet width at the front setback and a one hundred and fifty (150) foot depth. The lots have a

minimum twenty-five (25) foot front yard setback, fifteen (15) foot side yard setbacks, and a rear setback of thirty (30) feet, with the exception of lots 1-3 where the rear setback is one hundred (100) feet due to the existing electric easement.

A water tank will be constructed in Tract C in the northwest corner of the property for Forest Lakes Metropolitan District. The water tank will have a diameter of 40 feet and a height of 28.68 feet and will hold 260,000 gallons. There will be a 6-foot chain link fence around the perimeter of the tank. The tank will be accessed by a 20-foot asphalt road off Mesa Top Drive. The water tank setbacks are shown on the plan.

### **Streets**

Public streets will be constructed to the El Paso County Urban Local Street standard, except for the requested PUD modifications referenced above. The extension of Forest Lakes Drive provides the primary access to the project area. Mesa Top Drive along the northern portion of the site will be extended to provide secondary access. Both roads meet to create a looped access within the western portion of the site. To ensure adequate emergency access, a median divided section of road is provided from the intersection of Forest Lakes Drive and Mesa Top Drive to the beginning of the internal loop. In addition, an emergency access road is provided through Tract D in the northern section of the site.

Tract D is to be owned and maintained by the Forest Lakes Metropolitan District, who will also be responsible for maintaining the emergency access road. This meets the requirements of Section 8.4.4(D)(2) of the Land Development Code. A bollard and chain gate will be provided at each end of the emergency access road with a Fire District Knox Lock. These emergency access measures have been reviewed and approved by the Tri-Lakes Monument Fire Protection Department, subject to stipulations regarding construction materials, the width of the lanes in the proposed median-separated section of road and required median breaks, provision of fuel breaks and that the proposed water tank be operational before certificates of occupancy are issued for the new homes. These requirements are either addressed on the revised plans or will be addressed with building permits/certificate of occupancy and covenants. The Fire Department reviews all building permits and undertakes inspections and sign-off for certificates of occupancy for each unit.

A new traffic calming island is proposed on Forest Lakes Drive at the easternmost point of this development, in response to comments by neighbors regarding the speed of existing traffic.

### **Open Space and Trails**

197 acres of open space and trails are planned throughout the project, which represents 67% of the project site area. Filings 1-4 of the Forest Lakes Development extended the County Regional Trail into and through the property and constructed Waterfront Park, which has a playground, amphitheater, fishing and boat dock, and a multi-purpose lawn area. Originally, the plans for the western section of Forest Lakes included Homestead Park, less than a mile from Waterfront Park with similar amenities. The reduced development footprint proposed by this application opens up more open space for informal trails, natural areas, and unique open space experiences in lieu of Homestead Park.

The plan illustrates a route for the continuation of the County Regional Trail, which will follow the existing dirt road along the south side of the project area. The trail will then divert northwest through the center of the development alongside the proposed emergency access road, back up to the mesa top, and then west to the northwest corner of the property. The long-term goal is to see a connection from this development to the US Forest Service trail network to the west. A twenty-five (25) foot easement will be provided to El Paso County for the regional trail with future Final Plats.

A prominent knoll in the northwestern portion of the site provides a unique opportunity for hiking trails with views from the top that overlook the surrounding area. Potential trails are identified on the plan and these will be field located based on terrain. Consequently, the location, route and extent of these trails may vary. A small parking area is planned off Mesa Top Drive providing access to the trails through Tract E. Existing vegetation will be retained in the open spaces where appropriate, having regard to the recommendations of the Wildfire Hazard & Mitigation report. The open space and trails will be owned and maintained by Forest Lakes Metropolitan District.

### **Wildlife and Vegetation**

The Impact Identification Report prepared by CORE Consultants identifies Preble's Meadow Jumping Mouse critical habitat along the western portion of Beaver Creek and recommends that designated Critical Habitat for PMJM should be avoided during project design. The critical habitat is shown on the PUD Development/Preliminary Plan and is contained wholly within Tract B. Recent consultation with US Fish and Wildlife Service confirms that as the proposed development does not encroach into the PMJM critical habitat area (defined as 394-foot buffer from the ordinary high-water mark of the creek), there is no impact to the mouse habitat. US Fish and Wildlife Service also confirmed that the continuation of the proposed regional trail on the existing road through the habitat area is acceptable.

The report recommends further surveys to assess the potential impact of construction on nesting areas and other wildlife species as necessary. In particular, it recommends that should construction begin during the breeding bird season (February 1 through July 15), nesting raptor and migratory nesting bird ground clearance surveys should be conducted to determine the presence or absence of nesting birds within the project. If construction begins during the breeding bird season, the applicant (through CORE Consultants) will undertake the required surveys for nesting raptors and migratory birds to ensure nesting birds are not disturbed during construction. The report also recommends coordination with Colorado Parks & Wildlife (CPW) to determine appropriate avoidance measures should they express concerns over the potential presence of other wildlife species within the project. The applicant (through CORE Consultants) will consult with CPW regarding any concerns over wildlife and any specific recommendations for avoidance measures.

The Impact Identification Report also identifies potential habitat for Ute ladies'-tresses orchid (ULTO), which is a Federally threatened species, and recommends coordination with the USFWS to determine if ULTO surveys are required for the project. Though the presence of ULTO is unlikely based on the elevations of the project site, the applicant (through CORE Consultants) will initiate informal consultation with USFWS to determine whether ULTO surveys will be necessary.

The report recommends the preparation of a noxious weed management plan and to treat noxious weeds on the project prior to construction. CORE Consultants has prepared a noxious weed

management plan for the project in accordance with the Colorado State Noxious Weed Act and El Paso County's standards for noxious weed management and treatment. This is included with this submittal. CORE will perform an inventory and will treat identified noxious weeds during and post-construction in order to prevent and control the spread of noxious weeds.

### **Floodplain & Wetlands**

Portions of the site adjacent to Beaver Creek and North Beaver Creek are within a FEMA designated 100-year floodplain. The remainder of the property is outside the 500-year floodplain. All proposed lots are outside the floodplain boundary.

The Wetland Delineation Report prepared by CORE Consultants identifies areas of potentially jurisdictional wetland along Beaver Creek and North Beaver Creek. The Impact Identification Report recommends avoiding potentially jurisdictional water features and if the project design unavoidably impacts such features, an application to the US Army Corps of Engineers (USACE) for a permit pursuant to Section 404 of the Clean Water Act should be submitted. All lots are outside the jurisdictional wetland areas. A small pond in the eastern section of the site which is non-jurisdictional will be filled. Impact to the wetlands will be limited to road and trail crossings.

When the construction drawings for the new infrastructure are prepared, it will be possible to determine the precise impacts to the wetlands. If less than 0.5 acres or 300 linear feet of stream bed are impacted by the project, a Nationwide Permit 29 (Residential Development) will be requested. If it is determined that impacts exceed these thresholds, CORE Consultants will prepare the required Section 404 permit application submittal to USACE. If necessary, a Section 401 permit application to Colorado Department of Public Health and Environment (CDPHE) will also be processed, which is only required if there is potential impact to water quality.

### **Soils and Geology**

The Geologic Hazards Evaluation and Preliminary Geotechnical Investigation prepared by CTL Thompson Inc., identifies that portions of the proposed subdivision may be impacted by geologic conditions including shallow groundwater, expansive soils and bedrock, and potential for flood, erosion and debris flow. These conditions can be mitigated by avoidance, regrading, proper engineering design, and construction techniques. Following comments from Colorado Geologic Survey on the initial submittal of the application in January 2018, an additional Debris Flow/Mudflow Analysis was prepared. The recommendations of this analysis resulted in changes to the proposed lot layout, street configuration, grading and culvert design, which are reflected in this revised submittal. These constraints are identified on Sheet 9 of the PUD Development/Preliminary Plan.

### **Water & Wastewater**

Water and sanitary sewer for the project will be provided by the Forest Lakes Metropolitan District. A Water Supply Plan and Wastewater Report is provided with the application, prepared by the District's engineer, JDS Hydro. That report indicates that the District is operational and has the appropriate approvals from the State of Colorado. A new water tank is proposed in Tract C as part of this development,

which will be constructed with the first filing (filing no. 5) of this project. The entirety of Tract C will be dedicated to Forest Lakes Metropolitan District.

### **Drainage**

Storm water detention and water quality are planned within three new ponds proposed within the project area. All of the improvements for the stormwater system will be owned and maintained by the Forest Lakes Metropolitan District.

### **Maintenance, Covenants and Architectural Control**

The Forest Lakes Metropolitan District will own all tracts and will be responsible, where required, for maintenance of open space and trails, other than the County Regional Trail, which will be maintained by El Paso County Community Services Department.

All filings within this development will be annexed into the existing Forest Lakes Home Owners Association, which will enforce covenant and architectural control in the community.

## **PROJECT JUSTIFICATION**

### **PUD Development Plan**

The proposed PUD Development Plan is consistent with the approval criteria set forth in Section 4.2.6.D of the LDC as follows:

#### **1. The application is in general conformity with the Master Plan;**

The site lies within the Twin Valley Sub-Area of the Tri-Lakes Area Comprehensive Plan (2000) and both the existing and proposed areas of Forest Lakes are designated as “medium density residential development” on the Tri-Lakes Area Concept Plan. The Plan does not define “medium density”, but other areas that are similarly designated include the Woodmoor, Knollwood and Gleneagle areas. These have all been developed at urban densities and lot sizes. The lot sizes already developed in Forest Lakes and those currently proposed are consistent with the lot sizes in these comparably designated areas but due to the clustering design, the overall density is much lower.

The County Policy Plan also encourages development that is compatible with adjacent areas:

*Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.*

*Policy 6.1.6: Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.*

*Policy 6.1.8: Encourage incorporating buffers or transitions between areas of varying use or density where possible.*

*Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

*Policy 6.1.13: Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.*



*Policy 6.1.14: Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.*

*Policy 6.2.2: Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.*

*Policy 6.2.10: Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.*

All the necessary urban services are available to serve this development, as they have been constructed with the Filings 1-4 of the Forest Lakes development. The clustering design of the proposed layout allows for the preservation of extensive areas of open space and protects the natural features and habitat areas on the site. These characteristics together with the provision of regional and local trails create a unique identity for the development that complements the environment and character of this part of the County.

The layout of the site provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent larger lot properties to the north and south. The southernmost proposed lot is 350 feet from the existing homes to the south. Beaver Creek and its associated floodplain, wetlands, and mouse habitat areas, also provide a 118-acre undisturbed buffer tract between the proposed development and the southern property line. To the north, large estate lots are proposed in addition to open space tracts to provide an appropriate transition and buffer to the existing homes to the north. The National Forest is situated to the west, and a large open space tract, approximately 180 to 350 feet wide, will buffer the proposed homes from this natural area. The development now proposed for the west part of Forest Lakes is also compatible with the existing development in the eastern part of Forest Lakes in terms of lot size and open space provision.

**2. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;**

The proposed development complies with the requirements of the LDC, other than the requested PUD modifications. The requested PUD modifications will help to protect the physical conditions and natural features of the site and will preserve more open space. The proposed median divided section of road and emergency access road will provide appropriate emergency access to the site.

The project proposes similar density to that approved in the 2002 PUD Development Plan. The development provides appropriate density transitions and buffers to existing development and the design complements the environment and character of this part of the County. The project also offers additional housing choice and lot size variety which is needed in the area, as evidenced by the success of Filings 1-4 of the development. As such, the proposed project will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.

- 3. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;**

The clustering design of the proposed layout allows for the preservation of extensive areas of open space and protects the natural features and PMJM habitat areas on the site. These characteristics together with the provision of regional and local trails create a unique identity for the development that complements the environment and character of this part of the County. As described above, the layout of the site provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent residential properties to the north and south.

The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. The geological conditions that exist include shallow groundwater, expansive soils and bedrock, and potential for flood, erosion and debris flow. These conditions will be mitigated by avoidance, regrading, proper engineering design, and construction techniques commonly used in the area, such as spread footing foundations and slab-on-grade floors.

- 4. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;**

The layout of the site provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent larger lot properties to the north and south. The southernmost proposed lot is 350 feet from the existing homes to the south. Beaver Creek and its associated floodplain, wetlands, and mouse habitat areas, also provide a 118-acre undisturbed buffer tract between the proposed development and the southern property line. To the north, large estate lots are proposed in addition to open space tracts to provide an appropriate transition and buffer to the existing homes to the north. The National Forest is situated to the west, and a large open space tract, approximately 180 to 350 feet wide, will buffer the proposed homes from this natural area. The development now proposed for the west part of Forest Lakes is also compatible with the existing development in the eastern part of Forest Lakes in terms of lot size and open space provision.

- 5. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;**

The proposed homes, 75% of which will be ranch-style, are similar to and compatible with the surrounding residential properties in terms of bulk and scale. Building height will be limited to 30 feet. The size and height of allowed accessory uses will be controlled per the PUD development standards and by the HOA covenants. Certain accessory uses will be permitted only on the larger estate lots.

**6. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;**

The unique features of the site include the knoll in the western portion of the site, Beaver Creek, and the beaver pond. These will be preserved and have been incorporated into the design of the project. Critical habitat areas and potentially jurisdictional wetlands have been preserved as referenced in the Impact Identification Report prepared by CORE Consultants, Inc. These areas are identified on the PUD Development/Preliminary Plan. Existing vegetation will be retained in the open space tracts where appropriate, having regard to the recommendations of the Wildfire Hazard & Mitigation report.

**7. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;**

The plan illustrates a route for the continuation of the County Regional Trail, which will follow the existing dirt road along the south side of the project area. The trail will then divert northwest through the center of the development alongside the proposed emergency access road, back up to the mesa top, and then west to the northwest corner of the property. The long-term goal is to see a connection from this development to the US Forest Service trail network to the west. A twenty-five (25) foot easement will be provided to El Paso County for the regional trail with future Final Plats.

The knoll in the northwestern portion of the site provides a unique opportunity for hiking trails with views from the top that overlook the surrounding area. A small parking area is planned off Mesa Top Drive providing access to the trails through Tract E.

**8. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;**

All necessary utility and fire protection commitments have been obtained. The traffic report demonstrates that the development is within the capacity of existing roads. Water and sanitary sewer for the project will be provided by the Forest Lakes Metropolitan District. A water and sanitary sewer report is provided with the application and was prepared by the District's engineer, JDS Hydro. That report illustrates that the District is operational and has the appropriate approvals from the State of Colorado. A water tank was constructed to serve Filings 1-4 of Forest Lakes and an additional water tank is proposed for Filings 5-7 in the northwest corner of the property, which will be constructed with Filing 5.

**9. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;**

The project includes interconnected open space areas and trails. Natural features have been incorporated within the design as previously described.

**10. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;**

There are no mineral rights owners on this property.

**11. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and**

PUD modifications are requested, as described above. The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving two of the identified benefits in Chapter 4.2.6.F.2.h - preserving natural features and providing more accessible open space within the development. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are either addressed in the revised plans or relate to construction.

**12. The owner has authorized the application.**

Yes.

**Preliminary Plan**

The Preliminary Plan is consistent with the approval criteria set forth in Section 7.2.1.D.2.e of the LDC as follows:

**1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;**

See response under PUD justification 1 above.

**2. The subdivision is consistent with the purposes of this Code;**

See response under PUD justification 2 above.

**3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**

The subdivision design standards are met, subject to the requested PUD modifications described above. The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving two of the identified benefits in Chapter 4.2.6.F.2.h - preserving natural features and providing more accessible open space within the development. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are either addressed in the revised plans or relate to construction.

The project is in general conformance with the 2002 PUD Plan, which was based upon the 1984 Sketch Plan for this property and proposed 466 residential units.

**4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;**

Water for the project will be provided by the Forest Lakes Metropolitan District. A water resources report is provided with the application and was prepared by the District's engineer, JDS Hydro. That report illustrates that the District is operational and has the appropriate approvals from the State of Colorado.

- 5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;**

Sanitary sewer for the project will be provided by the Forest Lakes Metropolitan District. A wastewater report is provided with the application and was prepared by the District's engineer, JDS Hydro. That report illustrates that the District is operational and has the appropriate approvals from the State of Colorado.

- 6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];**

The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. The geological conditions that exist include shallow groundwater, expansive soils and bedrock, and potential for flood, erosion and debris flow. These conditions will be mitigated by avoidance, regrading, proper engineering design, and construction techniques commonly used in the area, such as spread footing foundations and slab-on-grade floors.

- 7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

These matters are addressed in the Preliminary Drainage Report prepared by Classic Consulting. Storm water detention and water quality are planned within three new ponds proposed within the project area. All of the improvements for the storm water system will be owned and maintained by the Forest Lakes Metropolitan District.

- 8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

All but four of the proposed residential lots and all tracts required for drainage and utilities will be accessible by public streets. Lots 3, 4, 5 & 6 will not have direct access to a public street. These lots will be accessed off a single shared access, which is part of Lot 4, and will be subject to a shared access easement. The proposed median divided section of road on Mesa Top Drive restricts lot accessibility and the proposed shared access for the 4 lots will allow each lot to access the public street at an intersection. This will improve safety.

- 9. The proposed subdivision has established an adequate level of compatibility by**

- 1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;**

The cluster design of the project preserves physical features and provides ample open space.

- 2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost**

**effective delivery of other services consistent with adopted plans, policies and regulations of the County;**

Appropriate provision is made in this regard given the context of the site and surrounding area. The cluster design and single loop-road access helps to minimize cost of transportation and utility infrastructure improvements. The proposed trails will facilitate bike and pedestrian traffic.

**3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;**

The layout provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent larger lot properties to the north and south.

**4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and**

A detailed analysis of the natural features, wildlife and wetlands is provided in the accompanying Impact Identification Report and Wetland Delineation Report prepared by CORE Consultants, Inc. Recent consultation with US Fish and Wildlife Service confirms that as the proposed development does not encroach into the PMJM critical habitat area (defined as 394-foot buffer from the ordinary high-water mark of the creek), there is no impact to the mouse habitat and that the use of the existing road through the habitat area for the proposed regional trail is acceptable.

If construction begins during the breeding bird season, the applicant (through CORE Consultants) will undertake the recommended surveys for nesting raptors and migratory birds to ensure nesting birds are not disturbed during construction. The applicant (through CORE Consultants) will consult with CPW regarding any concerns over other wildlife species and any specific recommendations for avoidance measures. If required, the applicant (through CORE Consultants) will initiate informal consultation with USFWS to determine whether ULTO surveys will be necessary.

The Wetland Delineation Report prepared by CORE Consultants identifies areas of potentially jurisdictional wetland along Beaver Creek and North Beaver Creek. All lots are outside the jurisdictional wetland areas. Impact to the wetlands will be limited to road and trail crossings. If impacts exceed the thresholds identified above for a Nationwide Permit, CORE Consultants will prepare the required Section 404 permit application submittal to USACE and, if necessary, a Section 401 permit application to CDPHE. The need for these will be determined when the construction drawings for the new infrastructure are prepared.

**5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;**

All necessary utility commitments have been obtained. The site lies within the Tri-Lakes Monument Fire Protection District. A Fire Protection Report is included with the submittal. The traffic report demonstrates that the development is within the capacity of existing roads. Water and wastewater are to be provided by Forest Lakes Metropolitan District and a new water tank will be constructed.

**10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

All necessary utility commitments have been obtained. The site lies within the Tri-Lakes Monument Fire Protection District. A Fire Protection Report is included with the submittal. The traffic report demonstrates that the development is within the capacity of existing roads. Water and wastewater are to be provided by Forest Lakes Metropolitan District and a new water tank will be constructed.

**11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The site lies within the Tri-Lakes Monument Fire Protection District. A Fire Protection Report is included with the submittal.

**12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

The proposed subdivision meets the applicable sections of these parts of the Code, subject to the requested PUD modification as described above.

**ACCOMPANYING REPORTS:**

The following Reports are submitted to support this application:

Geologic Hazards Evaluation and Preliminary Geotechnical Investigation and Debris Flow/Mudflow Analysis by CTL Thompson Inc.

Traffic Impact Analysis by LSC Transportation Consultants Inc.

Master Development Drainage Plan Amendment and Preliminary Drainage Report by Classic Consulting Engineers and Surveyors

Water Supply Plan and Wastewater Report by JDS Hydro

Impact Identification Report by CORE Consultants Inc.

Wetlands Analysis by CORE Consultants Inc.

Noxious Weed Management Plan by CORE Consultants Inc.

Wildfire Hazard and Mitigation Report by Stephen J. Spaulding.

## FOREST LAKES FILINGS 5, 6 and 7

### JUSTIFICATION FOR PUD MODIFICATIONS: MID-BLOCK CROSSINGS

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

#### **Nature of Request:**

Section of LDC/ECM from which modification is sought:

LDC Chapter 8.4.3(B)(2) and ECM Section 2.5.2.C.4.

Specific Criteria from which modification is sought:

Mid-block Crossings: Access ramps on local roadways shall be spaced no greater than 600 feet apart.

Proposed nature and extent of modification:

Sections of Mesa Top Drive and Forest Lakes Drive exceed 600 feet without a mid-block crossing.

#### **LDC Chapter 4.2.6.F.2.h: Modification of Existing LDC or ECM Standard.**

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for at least one of the following benefits:

- Preservation of natural features;  
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A.
- Provision of a more efficient pedestrian system;  
Pedestrian circulation within Forest Lakes is focused on the provided trail system, which connects the residential areas to the parks and open space. The project is designed to encourage the use of the trail system, rather than the sidewalks, where possible. On the streets where mid-block crossings are not provided, there are no pedestrian destinations or trails that would necessitate a midblock crossing to connect to amenities.
- Provision of additional open space;  
Extensive open space is already provided in the Forest Lakes development. By encouraging the residents to use the trail system, the project provides better access to the open space in the development.
- Provision of other public amenities not otherwise required by the Code; or  
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
Extensive open space is already provided in the Forest Lakes development. By encouraging the residents to use the trail system, the project provides better access to the open space in the development.



### ECM Section 5.8.6: Limits of Consideration:

The ECM Administrator may only consider a project-specific modification to an existing standard when **one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
The ECM requirement for midblock crossings, and the associated 600-foot minimum distance, is arbitrary and is not based on any specific standard. ADA standards do not require midblock crossings or a minimum distance between crossing points. The ADA standards only require crossings at street intersections as this is the safest location to cross the street, and these are provided.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
There is significant topography on this site and the proposed crossings are at intersections or trail crossings where the grade and visibility are more suitable and safer for pedestrian crossing facilities.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
The standard does not impose any particular hardship on the applicant. However, it will be more beneficial to public safety to focus pedestrian crossing points at established intersections with suitable grade and visibility and at trail crossings that have striped crosswalks.

### ECM Section 5.8.7: Criteria for Approval

No modification shall be approved unless it is demonstrated that:

Provide an exhibit showing where the omission is requested.

- The request for a modification is not based exclusively on financial considerations;  
There is no financial consideration to this modification request. It is based purely on practical and safety considerations.
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
The crossing locations proposed by this development are superior in the context of pedestrian safety. The development proposes 18 crossing points at intersections and at appropriate mid-block locations that facilitate trail crossings, which include a striped crosswalk for safety. The ECM requirement for a 600-foot minimum distance between mid-block crossings would require 6 additional mid-block crossings. This requirement is not based on any ADA or other standard and would result in randomly located midblock crossings with no specific destination.
- The modification will not adversely affect safety or operations;  
The three mid-block crossings proposed in this development include a striped crosswalk for safety. Randomly located, unmarked mid-block crossings, as promoted by the ECM, can reduce the safety by providing the pedestrian with an expectation of a safe crossing point. For this reason, the City of Colorado Springs and other jurisdictions will only allow mid-block crossings to access schools, shopping centers and other community facilities and these are striped and signed.
- The modification will not adversely affect maintenance and its associated cost; and  
N/A. The reduction in the number of mid-block crossings will likely reduce future maintenance costs for the County.
- The modification will not adversely affect aesthetic appearance.  
N/A. A requirement for a mid-block crossing is not related to aesthetic appearance.

## FOREST LAKES FILINGS 5, 6 and 7

### JUSTIFICATION FOR PUD MODIFICATIONS: CUL-DE-SAC LENGTH

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

#### Nature of Request:

Section of LDC/ECM from which modification is sought:

ECM Section 2.3.8.A

Specific Criteria from which modification is sought:

Cul-de-sac length - Cul-de-sacs shall have a maximum length of 750 feet for urban conditions.

Proposed nature and extent of modification:

Foothills Flash Court and Timber Trek Way cul-de-sacs exceed 750 feet

Once available attach the letter to the LOI or upload to edarp. Submit prior to BoCC.

Identify the actual lengths

#### LDC Chapter 4.2.6.F.2.h: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;  
The cul-de-sacs allow a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development.  
Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;  
N/A.
- Provision of a more efficient pedestrian system;  
Forest Lakes is designed to encourage the use of the trail system and open space. Pedestrian crossing points are provided at the intersection of both cul-de-sacs that provide access to the trail system.
- Provision of additional open space;  
The cul-de-sacs provide for a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development.
- Provision of other public amenities not otherwise required by the Code; or  
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.  
The cul-de-sacs provide for a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development.

### ECM Section 5.8.6: Limits of Consideration:

The ECM Administrator may only consider a project-specific modification to an existing standard when **one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
N/A.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
*There is significant topography on this site and the cul-de-sacs provide for a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development. The proposed cul-de-sacs do not significantly exceed 750 feet and do not exceed the 25-lot maximum off a single point of access specified in the LDC. The Tri-Lakes Monument Fire Marshal has provided a letter indicating that they have no objection to the proposed cul-de-sac length.*
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
*The standard does not impose any particular hardship on the applicant. However, the benefit to the public is that it will help to retain significant accessible natural features and open space within the development without compromising public safety.*

Specify what natural features are retained.

### ECM Section 5.8.7: Criteria for Approval

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;  
*There is no financial consideration to this modification request. It is based purely on topography considerations and the desire to retain open space and natural features..*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The principal reason for the maximum cul-de-sac length is public safety. The proposed cul-de-sacs do not significantly exceed 750 feet and do not exceed the 25-lot maximum off a single point of access specified in the LDC. The Tri-Lakes Monument Fire Marshal has provided a letter indicating that they have no objection to the proposed cul-de-sac length.*
- The modification will not adversely affect safety or operations;  
*The proposed cul-de-sacs do not significantly exceed 750 feet and do not exceed the 25-lot maximum off a single point of access specified in the LDC. The Tri-Lakes Monument Fire Marshal has provided a letter indicating that they have no objection to the proposed cul-de-sac length.*
- The modification will not adversely affect maintenance and its associated cost; and  
*The cul-de-sacs reduce the need for additional street connections which will reduce future maintenance costs for the County.*
- The modification will not adversely affect aesthetic appearance.  
*N/A. The cul-de-sac length requirement for a mid-block crossing is not related to aesthetic appearance.*

## FOREST LAKES FILINGS 5, 6 and 7

### JUSTIFICATION FOR PUD MODIFICATIONS: Back Yard Drainage – Direct Release

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

#### Nature of Request:

Section of LDC/ECM from which modification is sought:

ECM Section 1.7.2 (APPENDIX I)

Specific Criteria from which modification is sought:

Water Quality Capture Volume Requirements.

Proposed nature and extent of modification:

Allow for direct release across grass buffer (or equivalent) for back yards of proposed single-family subdivision lots.

#### ECM Section 5.8.6: Limits of Consideration:

The ECM Administrator may only consider a project-specific modification to an existing standard when **one** of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.  
N/A
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.  
There is significant topography on this site and the proposed home lots are 'walk-out' lot conditions along natural open space and drainage corridors that contain Preble's Jumping Mouse Habitat and FEMA 100-year floodplain limits. There is limited ability to capture the drainage from the back yards but all roof drains will be routed to front yard and the street eventually to a permanent downstream water quality facility. All major imperviousness (roads, driveways, and rooftops) are all treated by a downstream full spectrum detention and water quality facility. There is a 300'+ buffer between the property line (end of back yards) and the waters of the State of Colorado; and other than a small patio, no additional anticipated imperviousness within the direct release back yard drainage basins.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.  
Additional permanent water quality facilities would be required to capture all drainage from all of the back yards. As there is limited imperviousness, this runoff should not need detention nor water quality. Therefore, additional facilities to install and maintain would impose unnecessary hardship on the developer and Forest Lakes Metropolitan District.

add ", lot owners

#### ECM Section 5.8.7: Criteria for Approval

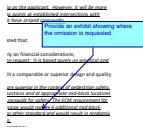
No modification shall be approved unless it is demonstrated that:

As written this covers the entire PUD. Revise to identify the specific lots this modification applies to by either an exhibit showing the specific lots or a list of all the applicable lots.

- The request for a modification is not based exclusively on financial considerations;  
*There is minimal financial consideration to this modification request. More-so it is based on the lack of need for rear yard detention (as major imperviousness is directed to ponds) and difficulties in installing such facilities based on topography and adjacent mouse and floodplain limits.*
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;  
*The 300+ open space buffer between the home lots and waters of the State provides adequate and comparable water quality for such tributary areas.*
- The modification will not adversely affect safety or operations;  
*There is no effect on safety or operations with this modification.*
- The modification will not adversely affect maintenance and its associated cost; and  
*The modification will decrease maintenance obligations and costs as there will not be small water quality facilities needed, and difficult to access, for back yard drainage*
- The modification will not adversely affect aesthetic appearance.  
*N/A.*

# Markup Summary

dsdlaforce (6)



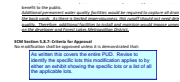
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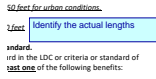
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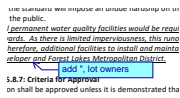
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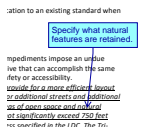
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Identify the actual lengths



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add ", lot owners



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Specify what natural features are retained.